



FEDERAL EMPLOYMENT OF PEOPLE WITH DISABILITIES

(RECRUITMENT & HIRING/RESOURCES/REASONABLE ACCOMMODATION)

VETERANS (BY OPM)

A Word About Veterans' Preference

Since the time of the Civil War, veterans of the Armed Forces have been given some degree of preference in appointments to Federal jobs. Recognizing their sacrifice, Congress enacted laws to prevent veterans seeking Federal employment from being penalized for their time in military service. Veterans' preference recognizes the economic loss suffered by citizens who have served their country in uniform, restores veterans to a favorable competitive position for Government employment, and acknowledges the larger obligation owed to disabled veterans.

Veterans' preference is not so much a reward for being in uniform as it is a way to help make up for the economic loss suffered by those who answered the nation's call to arms. Historically, preference has been reserved by Congress for those who were either disabled or who served in combat areas. Eligible veterans receive many advantages in Federal employment, including preference for initial employment and a higher retention standing in the event of layoffs. However, the **veterans'** preference laws do not guarantee the veteran a job, nor do they give veterans preference in internal agency actions such as promotion, transfer, reassignment, and reinstatement.

Veterans' preference in its present form comes from the Veterans' Preference Act of 1944, as amended, and is now codified in various provisions of title 5, United States Code. By law, veterans who are disabled

or who served on active duty in the Armed Forces during certain specified time periods or in military campaigns are entitled to preference over others in hiring from competitive lists of eligibles and also in retention during reductions in force.

Preference applies in hiring for virtually all jobs, whether in the competitive or excepted service.

In addition to receiving preference in **competitive** appointments, veterans may be considered for special **noncompetitive** appointments for which only they are eligible.

Note: The National Defense Authorization Act for Fiscal Year 2006 clarified the scope of the term "veteran" for the purposes of determining who is entitled to veterans' preference. OPM is in the process of revising its regulations to conform to this clarification.

To receive preference, a veteran must have been **discharged or released from active duty in the Armed Forces under honorable conditions** (i.e., with an honorable or general discharge).

The Veterans Employment Opportunities Act of 1998, as Amended

This law gives veterans **access** to Federal job opportunities that might otherwise be closed to them. The law requires that:

- Agencies allow eligible veterans to compete for vacancies advertised under the agency's merit promotion procedures ***when the agency is seeking applications from individuals outside its own workforce.***
- All merit promotion announcements open to applicants outside an agency's workforce include a statement that these eligible veterans may apply.

The law also establishes a new redress system for preference eligibles and makes it a prohibited personnel practice for an agency to knowingly take or fail to take a personnel action if that action or failure to act would violate a statutory or regulatory **veterans'** preference requirement (more about this later).

How Federal Jobs Are Filled

There are essentially two classes of jobs with the Federal Government: 1) those that are in the *competitive civil service*, and 2) those that are in the *excepted service*.

Competitive civil service jobs are under OPM's jurisdiction and subject to the civil service laws enacted by Congress in title 5, United States Code. These laws were enacted to ensure that jobs were filled based on a merit system for selecting the best qualified candidates according to job-related criteria. These laws, however, provide individual managers sufficient flexibility to appoint the person they believe is the best qualified for the job. Agencies may fill jobs from outside the civil service, or from among candidates with civil service status. In filling jobs, some selections must be made competitively; others may be made without open competition.

When filling a competitive service job from outside the civil service, agencies may:

- appoint a well-qualified candidate from a competitive list of eligibles developed by OPM or by an agency with delegated examining authority; or
- appoint someone who is eligible under one of a number of special appointing authorities (e.g., the VRA or Schedule B authorities discussed later on, and others authorized by either law or executive order).

Alternatively, in filling jobs from among "**status**" candidates, agencies may:

- appoint someone from an agency-developed merit promotion list (When these jobs are open to candidates outside the agency, the agency must allow eligibles under the Veterans Employment Opportunities Act of 1998, as amended to apply); or
- reassign a current agency employee, transfer an employee from another agency, or reinstate a former Federal employee.

(NOTE: *"Status" candidates are those who are eligible for noncompetitive movement within the competitive service because they either are now or were serving under career-type appointments in the competitive service.*)

An agency request for a list of eligible candidates or a job posting represents only a search for qualified candidates; there is no obligation on the part of the agency to make a selection. When a selection is made, agencies generally have broad authority under law to select from any of a number of sources of eligibles -- from outside the Federal service as well as from within.

Since 1996, agencies have been required by Presidential directive to give first consideration to surplus and displaced Federal employees to soften the effects of widespread restructuring and downsizing aimed at making the Government more efficient.

Excepted service jobs, as the name suggests, are excepted from most or all of the civil service laws for various reasons and are not generally subject to OPM's jurisdiction. Positions are excepted by law, by executive order, or by action of OPM placing a position or group of positions in excepted service Schedules A, B, or C. For example, certain entire agencies such as the Postal Service, the Federal Bureau of Investigation, and the Central Intelligence Agency are excepted by law. In other cases, certain jobs or classes of jobs in an agency are excepted by OPM. This includes attorneys, chaplains, student trainees, veterans appointed under the Veterans Employment Opportunities Act of 1998, and others.

Types Of Appointments

There are three ways veterans can be appointed to jobs in the competitive civil service: by **competitive appointment** through an OPM list of eligibles (or agency equivalent), by **noncompetitive appointment** under special authorities that provide for conversion to the competitive service, or by **Merit Promotion selection** under the **Veterans** Employment Opportunities Act (VEOA).

1. A **competitive appointment** is one in which the veteran competes with others on an OPM list of eligibles (or agency equivalent under delegated examining authority). This is the normal entry route into the civil service for most employees. Veterans' preference applies in this situation, and those veterans who qualify as preference eligibles -- i.e., who are entitled to **veterans'** preference -- have 5 or 10 extra points added to their passing score on a civil service examination. Before a job is filled by competitive appointment, the examining office must report it to OPM for announcing to the public; OPM also notifies State employment service offices. The examining office then determines the candidates' qualifications and rates and ranks them according to job-related criteria. This list of eligibles, or certificate, is then given to the selecting official.

2. A **noncompetitive appointment under special authority** is one such as the Veterans Recruitment Appointment (VRA) authority (formerly known as the Veterans Readjustment Appointment (VRA) authority) and the special authority for 30 percent or more disabled veterans. Eligibility under these special authorities (which are explained below) gives veterans a very significant advantage over others seeking to enter the Federal service in that they do not compete with them. An agency that wants to hire under one of these authorities can simply appoint the eligible veteran to any position for which the veteran is qualified. There is no red tape or special appointment procedures. However, use of these special authorities is discretionary with the agency. Veterans' preference applies when making appointments under these special authorities if there are two or more candidates and one or more is a preference eligible. These authorities provide for noncompetitive conversion to the competitive service after a suitable period of satisfactory service.

3. A **Merit Promotion selection** under the VEOA is one in which the veteran competes with current federal employees under an agency's merit (or internal) promotion procedures. The VEOA allows eligible veterans to apply under an agency merit promotion announcement open to candidates outside the agency. However, agencies do not apply **veterans'** preference when considering individuals under **merit promotion** procedures or under the VEOA. Use of this special authority, as with other authorities, is discretionary with the agency. A VEOA eligible who competes under merit promotion procedures and is selected will be given a career or career conditional appointment.

In order to maximize their opportunities, veterans who are eligible for both preference and noncompetitive appointment should, where possible, make sure they are being considered both competitively through an OPM examination or equivalent and noncompetitively under special authority such as the VRA.

Who Is Entitled To Veterans' Preference In Employment?

Five-point preference is given to those honorably separated veterans (this means an honorable or general discharge) who served on active duty (not active duty for training) in the Armed Forces:

- during any war (this means a war declared by Congress, the last of which was World War II);
- during the period April 28, 1952, through July 1, 1955;
- for more than 180 consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976;
- during the Gulf War period beginning August 2, 1990, and ending January 2, 1992; or
- **for more than 180 consecutive days, any part of which occurred during the period beginning September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last day of Operation Iraqi Freedom; or**
- in a campaign or expedition for which a campaign medal has been authorized, such as El Salvador, Lebanon, Granada, Panama, Southwest Asia, Somalia, and Haiti.

Medal holders and Gulf War veterans who originally enlisted after September 7, 1980, or entered on active duty on or after October 14, 1982, without having previously completed 24 months of continuous active duty, must have served continuously for 24 months or the full period called or ordered to active duty.

Effective on October 1, 1980, military retirees at or above the rank of major or equivalent, are not entitled to preference unless they qualify as disabled veterans.

Ten-point preference is given to:

- those honorably separated veterans who 1) qualify as disabled veterans because they have served on active duty in the Armed Forces at any time and have a present service-connected disability or are receiving compensation, disability retirement benefits, or pension from the military or the Department of Veterans Affairs; or 2) are Purple Heart recipients;
- the spouse of a veteran unable to work because of a service-connected disability;
- the unmarried widow of certain deceased veterans; and
- the mother of a veteran who died in service or who is permanently and totally disabled.

When applying for Federal jobs, eligible veterans should claim preference on their application or resume. Applicants claiming 10-point preference must complete form SF-15, Application for 10-Point Veteran Preference. Veterans who are still in the service may be granted 5 points tentative preference on the basis of information contained in their applications, but they must produce a DD Form 214 prior to appointment to document entitlement to preference.

Note: Reservists who are retired from the Reserves but are not receiving retired pay are not considered "retired military" for purposes of **veterans'** preference.

The Department of Labor's Office of the Assistant Secretary for Policy and Veterans Employment and Training Service developed an "expert system" to help veterans receive the preferences to which they are entitled. Two versions of this system are currently available, both of which help the veterans determine the type of preference to which they are entitled, the benefits associated with the preference and the steps necessary to file a complaint due to the failure of a Federal Agency to provide those benefits.

To find out whether you qualify for **veterans'** preference, visit America's Job Bank, operated by the Department of Labor (DOL). The Internet address for the Veterans' preference program is:

<http://www.dol.gov/dol/vets/public/programs/programs/preference/main.htm>.

(State employment service offices have veteran representatives available to assist veterans in gaining access to this information.)

How Preference Applies In Competitive Examining

Veterans who are eligible for preference and who meet the minimum qualification requirements of the position, have 5 or 10 points added to their passing score on a civil service examination. For scientific and professional positions in grade GS-9 or higher, names of all eligibles are listed in order of ratings, augmented by **veterans'** preference points, if any. For all other positions, the names of 10-point preference eligibles who have a service-connected disability of 10 percent or more are placed ahead of the names of all other eligibles. Other eligibles are then listed in order of their earned ratings, augmented by **veterans'** preference points. A preference eligible is listed ahead of a nonpreference eligible with the same score.

The agency must select from the top 3 candidates (known as the Rule of 3) and may not pass over a preference eligible in favor of a lower ranking non-preference eligible without sound reasons that relate directly to the veteran's fitness for employment. The agency may, however, select a lower-ranking preference eligible over a compensably disabled veteran within the Rule of 3.

A preference eligible who is passed over on a list of eligibles is entitled, upon request, to a copy of the agency's reasons for the passover and the examining office's response.

If the preference eligible is a 30 percent or more disabled veteran, the agency must notify the veteran and OPM of the proposed pass over. The veteran has 15 days from the date of notification to respond to OPM. OPM then decides whether to approve the pass over based on all the facts available and notifies the agency and the veteran.

Entitlement to **veterans'** preference does not guarantee a job. There are many ways an agency can fill a vacancy other than by appointment from a list of eligibles.

Filing Applications After Announcements Close

A **10-point preference eligible** may file an application at any time for any position for which a nontemporary appointment has been made in the preceding 3 years; for which a list of eligibles currently exists that is closed to new applications; or for which a list is about to be established. Veterans wishing to file after the closing date should contact the agency that announced the position for further information.

Special Appointing Authorities For Veterans

The following special authorities permit the noncompetitive appointment of eligible veterans. Use of these special authorities is entirely discretionary with the agency; no one is **entitled** to one of these special appointments:

The Veterans Recruitment Appointment (VRA) -

The VRA is a special authority by which agencies can appoint an eligible veteran without competition. The VRA is an excepted appointment to a position that is otherwise in the competitive service. After 2 years of satisfactory service, the veteran is converted to a career-conditional appointment in the competitive service. (Note, however, that a veteran may be given a noncompetitive temporary or term appointment based on VRA eligibility. These appointments do not lead to career jobs.)

When two or more VRA applicants are preference eligibles, the agency must apply **veterans'** preference as required by law. (While all VRA eligibles have served in the Armed Forces, they do **not** necessarily meet the eligibility requirements for Veterans' preference under section 2108 of title 5, United States Code.) **Terms and conditions of employment:** VRA eligibles may be appointed to any position for which qualified up to GS-11 or equivalent (the promotion potential of the position is not a factor). The veteran must meet

the qualification requirements for the position. (Any military service is considered qualifying for GS-3 or equivalent.) After 2 years of substantial continuous service in a permanent position under a VRA, the appointment will be converted to a career or career conditional appointment in the competitive service, providing performance has been satisfactory. Once on-board, VRAs are treated like any other competitive service employee and may be promoted, reassigned, or transferred. VRA appointees with less than 15 years of education must complete a training program established by the agency.

Eligibility Criteria:

The Jobs for Veterans Act, Public Law 107-288, amended title 38 U.S.C. 4214 by making a major change in the eligibility criteria for obtaining a Veterans Recruitment Appointment (VRA). Those who are eligible:

- Disabled veterans; **or**
- Veterans who served on active duty in the Armed Forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; **or**
- Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces Service Medal was awarded; **or**
- Recently separated veterans.

Veterans claiming eligibility on the basis of service in a campaign or expedition for which a medal was awarded must be in receipt of the campaign badge or medal.

In addition to meeting the criteria above, eligible veterans must have been separated under honorable conditions (i.e., the individual must have received either an honorable or general discharge).

Note: Under the eligibility criteria, not all 5-point preference eligible veterans may be eligible for a VRA appointment. For example, a veteran who served during the Vietnam era (i.e., for more than 180 consecutive days, after January 31, 1955, and before October 15, 1976) but did not receive a service-connected disability or an Armed Forces Service medal or campaign or expeditionary medal would be entitled to 5 pt. veterans' preference. This veteran, however, would not be eligible for a VRA appointment under the above criteria.

As another example, a veteran who served during the Gulf War from August 2, 1990, through January 2, 1992, would be eligible for veterans' preference solely on the basis of that service. However, service during that time period, in and of itself, does not confer VRA eligibility on the veteran unless one of the above VRA eligibility criteria is met.

Lastly, if an agency has 2 or more VRA candidates and 1 or more is a preference eligible, the agency must apply Veterans' preference. For example, one applicant is VRA eligible on the basis of receiving an Armed Forces Service Medal (this medal does not confer veterans' preference eligibility). The second applicant is VRA eligible on the basis of being a disabled veteran (which does confer veterans' preference eligibility). In this example, both individuals are VRA eligible but only one of them is eligible for Veterans' preference. As a result, agencies must apply the procedures of 5 CFR 302 when considering VRA candidates for appointment.

How To Apply: Veterans should contact directly the Federal agency personnel office where they are interested in working to find out about VRA opportunities.

30 Percent or More Disabled Veterans - These veterans may be given a temporary or term appointment (not limited to 60 days or less) to any position for which qualified (there is no grade limitation). After demonstrating satisfactory performance, the veteran may be converted at any time to a career-conditional appointment.

Terms and conditions of employment: Initially, the disabled veteran is given a temporary appointment with an expiration date in excess of 60 days. This appointment may be converted to at any time to a career conditional appointment. Unlike the VRA, there is no grade limitation.

How To Apply: Veterans should contact the Federal agency Personnel office where they are interested in working to find out about opportunities. Veterans must submit a copy of a letter dated within the last 12 months from the Department of Veterans Affairs or the Department of Defense certifying receipt of compensation for a service-connected disability of 30% or more.


Disabled Veterans Enrolled In VA Training Programs- Disabled veterans eligible for training under the Department of Veterans Affairs' (VA) vocational rehabilitation program may enroll for training or work experience at an agency under the terms of an agreement between the agency and VA. The veteran is not a Federal employee for most purposes while enrolled in the program, but is a beneficiary of the VA.

The training is tailored to individual needs and goals so there is no set length. If the training is intended to prepare the individual for eventual appointment in the agency (rather than just work experience), OPM must approve the training plan. Upon successful completion, the veteran will be given a Certificate of Training showing the occupational series and grade level of the position for which trained. This allows any agency to appoint the veteran noncompetitively for a period of 1 year. Upon appointment, the veteran is given a Special Tenure Appointment which is then converted to career-conditional with OPM approval.

Veterans Employment Opportunities Act (VEOA) - This authority permits an agency to appoint an eligible veteran who has applied under an agency merit promotion announcement that is open to candidates outside the agency.

Eligibility: To be eligible for a VEOA appointment, a candidate must:

- be a preference eligible or veteran separated after substantially completing at least 3 years of continuous active duty service performed under honorable conditions.



Terms and conditions of employment: A **veteran** given a VEOA appointment will be given a career or career conditional appointment in the competitive service.

How to apply: Veterans interested in applying under this authority should seek out agency merit promotion announcements open to candidates outside the agency. Applications should be submitted directly to the agency. Please note: veterans who have career status or are reinstatement **eligible** are not eligible for VEOA appointments.

Positions Restricted To Preference Eligibles

Examinations for custodian, guard, elevator operator and messenger are open only to preference eligibles as long as such applicants are available.

Affirmative Action For Certain Veterans Under Title 38

Section 4214 of title 38, United States Code, calls upon agencies to establish a separate affirmative action program for disabled veterans as part of agency efforts to hire, place, and advance persons with disabilities under the Rehabilitation Act of 1973. Agencies are also urged to "promote the maximum of employment and job advancement opportunities" for those veterans eligible for noncompetitive appointment under the above special authorities.

This section requires agencies to:

- provide placement **consideration** under special noncompetitive hiring authorities for VRA and 30 percent or more disabled veterans;
- ensure that all veterans are considered for employment and advancement under merit system rules; and
- establish an affirmative action plan for the hiring, placement, and advancement of disabled veterans.

Veterans Complaints

Veterans who believe that they have not been properly accorded their rights have several different avenues of complaint, depending upon the nature of the complaint and the individual's veteran status:

- The Veterans Employment Opportunities Act of 1998 allows **preference eligibles** to complain to the Department of Labor's Veterans Employment and Training Service (VETS) when the person believes an agency has violated his or her rights under any statute or regulation relating to **veterans'** preference.
- Under a separate Memorandum of Understanding (MOU) between OPM and the Department of Labor, eligible veterans seeking employment who believe that an agency has not properly accorded them their Veterans' preference, failed to list jobs with State employment service offices as required by law, or failed to provide special placement consideration noted above, may file a complaint with the local Department of Labor VETS representative (located at State employment service offices). To be eligible to file a complaint under the MOU a veteran must:
 - have served on active duty for more than 180 days and have other than a dishonorable discharge;
 - have a service-connected disability; or
 - if a member of a Reserve component, have been ordered to active duty under sections 12301 (a), (d), or (g) of title 10, United States Code, or served on active duty during a period of war, or received a campaign badge or expeditionary medal (e.g., the Southwest Asia Service Medal).
- The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) prohibits discrimination in employment, retention, promotion, or any benefit of employment on the basis of a person's service in the uniformed services. **Complaints** under this law should also be filed with the local Department of Labor VETS representative (located at State employment service offices).

- Since a willful violation of a provision of law or regulation pertaining to Veterans' preference is a Prohibited Personnel Practice, a **preference eligible** who believes his or her **veterans'** preference rights have been violated may file a complaint with the local department of Labor VETS representative, as noted above.
- A **disabled veteran** who believes he or she has been discriminated against in employment because of his or her disability may file a handicapped discrimination complaint with the offending agency under regulations administered by the Equal Employment Opportunity Commission.
- Finally, since OPM is committed to ensuring that agencies carry out their responsibilities to veterans, **any veteran** with a legitimate complaint may also contact any OPM Service Center.

Because there is considerable overlap in where and on what basis a complaint may be filed, a veteran should carefully consider his or her options before filing. Generally speaking, complaints on the same issue may not be filed with more than one party.

How To Find A Federal Job

Veterans must conduct their own job search. The best way to do this is to contact the Federal agency personnel office where you are interested in working and inquire about opportunities. If you qualify for one of the special appointing authorities (such as the VRA) be sure to let the agency personnel office know.

America's Job Bank also contains a listing of jobs from both Federal and state employers nationwide.

Remember that veterans are not guaranteed employment by Federal agencies. Whether to hire a veteran, or anyone else, is up to the agency to decide.

OPM has several resources to aid veterans in their job search. **USAJOBS**, the Federal Government's Employment Information System, gives you access

to Federal job vacancies, employment information fact sheets, job applications and forms, and has on-line resume development and electronic transmission capabilities. In many instances, job seekers can apply for positions on-line. **USAJOBS** is updated every business day from a database of more than 12,000 worldwide job opportunities. **USAJOBS** is available to job seekers in a variety of formats, ensuring access for customers with differing physical and technological capabilities. It is convenient, user friendly, accessible through the computer or telephone and available 24 hours-a-day, seven days-a-week. Follow these simple steps:

STEP 1: OBTAIN THE VACANCY ANNOUNCEMENT

Federal agencies list job opportunities on USAJOBS at www.usajobs.opm.gov. Once you have found an opportunity that interests you, obtain a copy of the vacancy announcement and a complete application package by downloading the actual announcement and any supplementary materials from USAJOBS. The vacancy announcement is an important source of information. Most of the questions you may have will be answered as you read through the announcement. For example: closing/deadline dates for applications, specific duties of the position, whether or not a written test is required, educational requirements, duty location, salary, etc.

STEP 2: FOLLOW THE APPLICATION INSTRUCTIONS

You may apply for most jobs with a resume, or the Optional Application for Federal Employment (OF-612), or any written format you choose. For jobs that are unique or filled through automated procedures, you may be given special forms and/or instructions in the job announcement.

Although the Federal Government does not require a standard application form for most jobs, certain information is needed to evaluate your qualifications. If you decide to submit any other format, other than the OF-612, (i.e., a resume), the following information must be included:

Job Information - Announcement number, title and grade.

Personal Information - Full name, mailing address (with zip code), day and evening phone numbers (with area code), Social Security number, country of citizenship, Veterans' preference, reinstatement eligibility, highest Federal civilian grade held.

Education - High school name, city and state, colleges or universities, name, city and state, majors and type and year of any degrees received (if no degree, show total credits earned and indicate whether semester or quarter hours).

Work Experience - job title, duties and accomplishments, employer's name and address, supervisor's name and phone number, starting and ending dates (month and year), hours per week, salary, and indicate whether or not your current supervisor may be contacted. Prepare a separate entry for each job.

Other Qualifications - job related training courses (title and year), job related skills, job related certificates and licenses, job related honors, awards, and special accomplishments.